

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 8 OF 2004

Kolhapur Municipal Corporation.

... Petitioner.

Versus.

Kiran Vidya Vihar Sanstha Sane

Guruji Vasahat Vikram Nagar.

... Respondents.

Shri S.M.Kamble for the Petitioner.

Shri P.D.Dalvi for the Respondents.

CORAM : ABHAY S. OKA, J.

DATED : 4th February, 2005.

P.C.:

1. This Application for review is filed by the Respondent in the Second Appeal. My attention has been invited to paragraphs Nos.3 to 5 of the order dated 7th July 2004 passed in the Second Appeal No.411 of 2004. In paragraph 7 of this Petition, it is pointed out that the possession of the suit premises was already taken over by the Review Petitioner on 21st June 2004. It is therefore submitted that an incorrect statement was by the original Appellant at the time of the hearing of the Second Appeal. In paragraph 8 of the Review petition it is pointed out that the Review Petitioner, a local Authority, requires the suit premises for opening a dispensary.

2. Shri Dalvi, learned Counsel appearing for the Respondents has stated that the statements which are

made by him on 7th July 2004 were on instructions of his clients. He is, however, unable to dispute the averments made in paragraph 7 of the petition. He stated that according to his clients some furniture is lying in the suit premises and the Respondents in this petition may be allowed to take away the said furniture. The learned Counsel appearing for the Petitioners, without admitting the correctness of the said statement, stated that if some furniture belonging to the Respondents in Review Petition is in the suit premises, the Respondents will be permitted to take away the said furniture within the period of two weeks from today.

3. In view of what is stated above, a case for modification of the order dated 7th July 2004 is made out. Accordingly paragraphs Nos.3 to 6 of the Judgment and Order dated 7th July 2004 are deleted and rest of the order will continue to operate as order disposing of the Second Appeal No.411 of 2004.

4. The Review Petition is disposed of in the above terms. The Respondents are directed to pay costs of Rs.2500/- to the Petitioners within the period of four weeks from today.

5. The parties to act on an authenticated copy of this order.

Judge.

